

**REMARKS**

This Amendment responds to the Office Action dated November 19, 2008 in which the Examiner rejected claims 1-9, 18, 20, 28 and 32-36 under 35 U.S.C. § 103.

As indicated above, claims 1, 20, 28 and 36 have been amended in order to make explicit what is implicit in the claims. The amendment is unrelated to a statutory requirement for patentability.

Claims 1, 18, 20, 28 and 36 provide a method, system, apparatus, and medium (a) to insert an advertisement image at a position in image content, (b) to distribute the advertisement image by stream distribution, and (c) to restart the stream distribution of the image content after stream distribution of the advertisement image is finished. Since the advertisement image and the image content are not formed as a single file, the advertisement image can be dynamically changed. The prior art does not show, teach or suggest the method, system, apparatus, and medium as claimed in claims 1, 18, 20, 28 and 36.

Claims 1-9, 18, 20, 28 and 32-36 were rejected under 35 U.S.C. § 103 as being unpatentable over *Bar-el* (WO 99/26415) in view of *Srinivasan, et al.* (U.S. Publication No. 2001/0023436).

*Bar-el* appears to disclose object storage unit 22 and video storage unit 24 both provide their output to a personalization module 26 associated with the user. The object storage unit 22 outputs the personalized data, such as a set of advertisements, associated with the user's group and the names associated with each image to be implanted and the video controller 24 provides the selected video and the associated video parameters describing how to transform the personalized data in order to implant the personalized data into the video stream (page 12, lines 3-9).

Thus, *Bar-el* merely discloses an object storage 22 and video controller 24 providing outputs to personalization module 26. Nothing in *Bar-el* shows, teaches or suggests that the advertisement image (output by object storage 22 in *Bar-el*) is stream distributed to an image content providing apparatus as claimed in claims 1, 18, 20, 28 and 36. Rather, *Bar-el* only discloses that the object storage unit 22 outputs personalized data such as a set of advertisements to a personalization module 26 (i.e. *Bar-el* does not disclose that object storage 22 outputs by stream distribution to the personalization module 26).

*Srinivasan, et al.* merely discloses a video-on-demand (VOD) in which a user orders a particular stored video presentation to be sent at a particular time and that ads may be selected and inserted at any convenient time prior to sending to the user [0202]. The ad server controls and pulls both the video presentation and the ads to be inserted from data storage and controls the data streams at the ad server to start and stop each video stream at the appropriate times to place the ads [0204].

Thus, *Srinivasan, et al.* merely discloses the ad server controls the video stream and ads. Nothing in *Srinivasan, et al.* shows, teaches or suggests an image content providing apparatus restarting stream distribution when the stream distribution of the advertisement image finishes as claimed in claims 1, 18, 20, 28 and 36. Rather, the ad server in *Srinivasan, et al.* places the ads in the video stream.

A combination of *Bar-el* and *Srinivasan, et al.* would merely suggest that in addition to the object storage unit 22 of *Bar-el* outputting the personalized data, such as a set of advertisements, to the personalization module 26, to use the ad server of *Srinivasan, et al.* Thus, nothing in the combination of the references shows, teaches or suggests an advertisement image providing apparatus transmitting advertisement images via stream distribution to an image

content providing apparatus and an image content providing apparatus restarting stream distribution as claimed in claims 1, 18, 20, 28 and 36. Therefore, Applicant respectfully requests the Examiner withdraws the rejection to claims 1, 18, 20, 28 and 36 under 35 U.S.C. § 103.

Claims 2-9 and 32-35 recite additional features. Applicant respectfully submits that claims 2-9 and 32-35 would not have been obvious within the meaning of 35 U.S.C. § 103 over *Bar-el* and *Srinivasan, et al.*, at least for the reasons as set forth above. Therefore, Applicant respectfully requests the Examiner withdraws the rejection to claims 2-9 and 32-35 under 35 U.S.C. § 103.

Thus, it now appears that the application is in condition for a reconsideration and allowance. Reconsideration and allowance at an early date are respectfully requested.

**CONCLUSION**

If for any reason the Examiner feels that the application is not now in condition for allowance, the Examiner is requested to contact, by telephone, the Applicant's undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed within the currently set shortened statutory period, Applicant respectfully petitions for an appropriate extension of time. The fees for such extension of time may be charged to Deposit Account No. 50-0320.

In the event that any additional fees are due with this paper, please charge our Deposit Account No. 50-0320.

Respectfully submitted,

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Date: February 10, 2009